

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW C. MOORE,)	1:05-CV-00304-AWI-WMW-P
Plaintiff,)	INFORMATIONAL ORDER
v.)	REGARDING PAYMENT OF FILING
)	FEE
KINGS COUNTY SHERIFFS)	(DOCUMENT #8)
DEPARTMENT, et al.,)	
Defendants.)	

Plaintiff is a prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. On March 23, 2005, the court ordered the Kings County Sheriff ("Sheriff") to "send to the Clerk of the Court the initial partial filing fee [of \$94.49] and thereafter payments from plaintiff's prison trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of \$250.00 is paid in full." See 28 U.S.C. § 1915. On April 4, 2005, the court received a \$250.00 check from the Sheriff as payment of plaintiff's entire filing fee.

On March 31, 2005, plaintiff sent a letter to the court claiming that the Kings County Sheriff did not have the authority to deduct the entire \$250.00 filing fee from his trust account. Plaintiff contends that the court's order directed the Sheriff to send only the initial partial filing fee of \$94.49 in the first payment to the court. Plaintiff alleges that when the Sheriff deducted and sent the entire \$250.00 to the court in one payment, the Sheriff did not comply with the court's order. Plaintiff's allegation is without merit.

1 Pursuant to 28 U.S.C. § 1915, if a prisoner brings a civil action in forma pauperis, the prisoner
2 is required to pay the full amount of the filing fee. If funds are available in the prisoner's trust account,
3 an initial partial filing fee is assessed. After payment of the initial partial filing fee, the prisoner is
4 required to make monthly payments of 20 percent of the preceding month's income credited to the
5 prisoner's account, each time the account exceeds \$10.00, until the filing fees are paid. See 28 U.S.C.
6 § 1915(b).

7 On April 13, 2005, the court received from the Kings County Sheriff a detailed Transactions
8 Record of plaintiff's trust account activity, showing deposits and withdrawals from November 19, 2004,
9 until April 4, 2005. See Document #9 on the court's docket. According to the Record, \$1,020.00
10 income was credited to plaintiff's trust account in February 2005.

11 The Sheriff complied with the statute and the court's order by deducting the entire \$250.00 from
12 plaintiff's account. See 28 U.S.C. § 1915. Plaintiff has brought a civil action in forma pauperis, and
13 he is required to pay the \$250.00 filing fee. An initial partial filing fee of \$94.49 was assessed by the
14 court because funds were available in plaintiff's account at the time the action was filed. Upon receipt
15 of the court's order, the Sheriff deducted the \$94.49 fee and immediately thereafter deducted plaintiff's
16 monthly payment of \$155.51 and sent a check for \$250.00 to the court. The Sheriff is not precluded
17 by the statute or the court's order from combining two payments into one check. Therefore, plaintiff's
18 allegation that the Sheriff did not comply with the court's order is without merit.

19 IT IS SO ORDERED.

20 **Dated: April 20, 2005**
j14hj0

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE